

Message Text

UNCLASSIFIED

PAGE 01 TOKYO 00282 090307Z

64

ACTION OES-05

INFO OCT-01 EA-09 ISO-00 FEA-01 ACDA-10 CIAE-00 INR-07

IO-11 L-03 NSAE-00 NSC-05 EB-07 NRC-07 DODE-00 COME-00

LOC-01 /067 W

----- 027405

R 090145Z JAN 76

FM AMEMBASSY TOKYO

TO USERDA GERMANTOWN

INFO SECSTATE WASHDC 5943

UNCLAS TOKYO 0282

ERDA FOR HELFRICH, BRESEE

E.O. 11652: N/A

TAGS: TECH, JA

SUBJECT: DRAFT GEOTHERMAL AGREEMENT

REF: 1) STATE 266900, 2) TOKYO 13072

1. SAKAKURA, FUJISAWA, INOUE AND HASHIMOTO, ALL AIST, MITI,
DELIVERED TO SCIREP PROPOSED REVISION IN COPYRIGHT SECTION
DRAFT GEOTHERMAL ARRANGEMENT.

2. MITI PROPOSES ARTICLE VII, PARAGRAPH 2, READ, QUOTE
COPYRIGHTS OF EITHER PARTY OR OF COOPERATING ORGANIZATIONS AND
PERSONS SHALL BE ACCORDED TREATMENT CONSISTENT WITH INTER-
NATIONALLY RECOGNIZED STANDARDS OF PROTECTION. AS TO COPYRIGHTS
OWNED OR CONTROLLED BY A PARTY, EACH PARTY SHALL MAKE EFFORTS
TO GRANT TO THE OTHER A LICENSE TO REPRODUCE COPYWRITED
MATERIALS. END QUOTE.

3. MITI HAS COMBINED THE SECOND AND THIRD SENTENCES OF ERDA-
SUGGESTED WORDING PARA 1, REF 1) AND EXPLAINS HAT "COPYRIGHTS"
IN THE SECOND SENTENCE OF THEIR PROPOSAL MEANS BOTH "EXISTING
COPYRIGHTS" AND "COPYRIGHTS IN MATERIAL PRODUCED IN THE COURSE
OF COOPERATING WORK" IN OUR PROPOSAL.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 TOKYO 00282 090307Z

4. MITI EXPLAINS THE REASON FOR SOFTENING THE ASSIGNMENT OF RIGHTS IN ERDA'S THIRD SENTENCE AS FOLLOWS: QUOTE

(1) JAPANESE NATIONAL PROPERTY LAW HAS MANY LIMITATIONS IN MANAGING THE COPYRIGHTS.

THE LAW PROHIBITS TO GRANT A LICENSE OR TO ASSIGN THE COPYRIGHTS FOR ANY PERSONS OR ORGANIZATIONS WITHOUT PERMISSION OF MINISTRY OF FINANCE.

(2) IT IS IMPOSSIBLE FOR US TO SIGN AGREEMENTS WHICH CONTAINS THE ARTICLE INCONSISTENT WITH NATIONAL PROPERTY LAW.

(3) SO, WE CAN ONLY SAY "MAKE EFFORTS TO GRANT TO THE OTHER A LICENSE TO REPRODUCE COPYRIGHTED MATERIALS."

(4) HOWEVER, ACTUALLY, I AM SURE, YOU WILL ALWAYS BE GRANTED TO REPRODUCE COPYRIGHT MATERIALS. END QUOTE.

5. HOPEFULLY, EXPEDITIOUS REVIEW OF THIS FINAL ITEM WILL PERMIT EARLY SIGNING OF AGREEMENT, BEGINNING MEANINGFUL EXCHANGE IN THIS AREA AND IMPETUS FOR CONCLUDING OTHER PENDING DRAFT EXCHANGES.
HODGSON

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GEOTHERMAL ENERGY, AGREEMENT DRAFT
Control Number: n/a
Copy: SINGLE
Draft Date: 09 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976TOKYO00282
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760007-0785
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760169/aaaacjxs.tel
Line Count: 85
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 STATE 266900, 75 TOKYO 13072
Review Action: RELEASED, APPROVED
Review Authority: castelsl
Review Comment: n/a
Review Content Flags:
Review Date: 07 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 JUL 2004 by barnescd>; APPROVED <18 AUG 2004 by castelsl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DRAFT GEOTHERMAL AGREEMENT
TAGS: TECH, JA
To: ERDA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006